REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 1-13 remain pending in the present application. Claims 1, 7, and 13 have been amended to clarify the operation of the application layer processing. No new matter has been added.

By way of summary, the Official Action presents the following issues: the specification has been objected to; and Claims 1-13 stand rejected under 35 U.S.C. § 103 as being unpatentable over "A Secure Registration Protocol for Media Appliances in Wireless Home Networks" (hereinafter Kumar) in view of Karaoguz (US Patent Publication 2004/0117650, hereinafter Karaoguz) in view of Friedman (US Patent 5,757,924, hereinafter Friedman).

OBJECTION TO THE SPECIFICATION

At paragraph 2 of the Official Action, to the extent understood, it appears as though the Official Action is noting that language at Claim 13, namely, "program instructions" and "processor", are not enabled by the specification. In this regard, the Examiner is invited to review page 49 of the Applicants' specification at least at line 5 through line 14. Applicants note that at least this section of the specification describe a general computer which executes a process sequence of a computer program. As one of skill in the art would certainly recognize program and instructions as corresponding to a program constituting a process sequence, and would recognize a general computer as a processor, in addition to the more specifically described central processing unit (CPU) 201, Applicants respectfully submit that this objection should be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 1-13 under 35 U.S.C. § 103 as being unpatentable over Kumar and Karaoguz in view of Friedman. The Official Action contends that the combination of Kumar, Karaoguz and Friedman describe all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

Applicants' amended Claim 1 recites, *inter alia*, a communication processing apparatus for executing a communication process via a network, including:

> a communication unit configured to implement a communication process related to an authentication process according to a predetermined authentication method, the communication process being performed in order to acquire secret information permitted to be disclosed only to devices in a local network corresponding to said authentication method; unique identification information of a communication destination device in said communication process is acquired by data processing at a network layer or lower of an OSI reference model; unique identification information of an authentication partner device is acquired in an authentication sequence of said authentication method as data introduced to a packet by an application layer process of the OSI reference model; said acquired unique identification information of said communication destination device is compared with said acquired unique identification information of said authentication partner device; and based upon a successful match resulting from the compared data, a process is executed to judge whether said authentication partner device is a device connected to a same local network as a local network to which a local device being a communication source device is connected. (emphasis added)

Kumar describes a method of authenticating communicating devices. As described at page 111 of Kumar a key exchange is utilized for authenticating devices. As noted in the Official Action, Kumar fails to teach unique identification information of a communication destination device in a communication process is acquired by data processing at a network layer or lower of an OSI reference model; unique identification information of an authentication partner device is acquired in an authentication sequence of the authentication

method as data introduced to a packet by an application layer process of the OSI reference model. In this regard, the Official Action cites Karagouz.

Karagouz describes a media exchange network (100) which includes a plurality of devices which communicate in accordance with a secure media peripheral association and authentication procedure. As outlined at paragraph [0043] of Karagouz devices may be identified by an IP address, a capital MAC address, or the like. While the Official Action states that paragraph [0039], lines 5-8 of Karagouz describes application layer processing, there is no application layer processing described. Moreover, Applicants note that the claims require that unique identification information is acquired in an authentication sequence as data introduced to a packet by an application layer process of the OSI reference model.

In the Official Action at page 14, the Office notes:

> That Karaoguz does describe application layer processing and the requirement that unique identification information is acquired in an authentication sequence as data processed at an application layer (Karaoguz page 2, paragraphs 0019-0021 and page 3, paragraph 0043). Furthermore, physical layer and above identifiers are subsets of the application layer identifiers and in fact an IP address can be used as an application layer identifier for example http://10.10.10.1.

Applicants have reviewed Karaoguz including the above cited portions, and once again point out that this reference does not describe application layer processing. To the extent that this citation is understood, it appears as though the Office is taking the position that an IP address is an application layer identifier since it is utilized by web browser. Moreover, the Office notes that "furthermore, physical layer and above identifiers are subsets of the application layer identifiers and in fact an IP address can be used as an application layer identifier for example http://10.10.10.1."

It is respectfully submitted that the Office's understanding of the OSI model is clearly flawed. The OSI model structures computer operations in correspondence to layers of the

model to segment processes according to their function. To characterize an identifier as corresponding to any one layer, or being a subset of another layer is clearly confusing the issue. Identifiers do not correspond to a layer of the OSI reference model, processes do. Thus, in order to clarify the pending claims, language has been added to recite that the unique identification information is introduced to a packet by an application layer process of the OSI reference model.

Neither Kumar nor Karagouz describes this more detailed aspect of the Applicants' claimed advancements.[1] Accordingly, Applicants respectfully request that the rejection of Claims 1-13 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including Claims 1-13, is in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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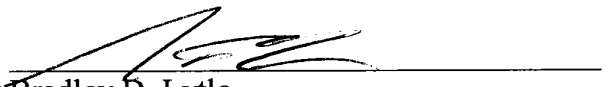

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[1] Although the Official Action cites the Friedman reference, Applicants note that this reference has not been applied against the independent claims. As such, this reference need not be discussed further as the dependent claims are allowable at least for the reasons discussed above.